

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America,	)	
	)	Case No. 3:15CR052
Plaintiff,	)	
	)	
vs.	)	Judge Jeffrey J. Helmick
	)	
Steve Nesbit,	)	<u>DEFENDANT'S MOTION FOR RELEASE</u>
	)	<u>TO FACILITATE SELF SURRENDER</u>
Defendant.	)	<u>TO DESIGNATED INSTITUTION</u>
	)	
	)	

Defendant, Steve Nesbit, through his undersigned counsel, respectfully moves the Court, pursuant to 18 U.S.C. §3141 et seq., for an order releasing him from custody at the time of sentencing so that he may be permitted to self surrender to the penal institution to which he is designated by the Bureau of Prisons.

A memorandum in support of this motion follows.

Respectfully submitted,

by \s\Mark C. Geudtner  
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Attorney for Defendant

MEMORANDUM IN SUPPORT

18 U.S.C. §3143(a) permits the release of a defendant awaiting execution of sentence if the court "...finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released..."

Defendant Nesbit was previously granted pretrial release in this case, only to have it revoked due to an incident in which he failed to return directly home after completing a work shift. However, during the time that he was on pretrial release he made no efforts to flee; and he did not at the time he was granted pretrial release, nor while released, pose a danger to any person or to the community.

Defendant would like to be able to self surrender to whatever institution he is ultimately designated to by the Bureau of Prisons. To allow him to do so would save the government the costs and human resources associated with securely transporting Mr. Nesbit to his institution.

Mr. Nesbit's mother, Cheryl Marks, is willing to allow him to live at her home at the address where he was previously placed on pretrial release. She is willing to serve as his third party custodian, and he is willing to be subject to any conditions of release which the court may impose, including, but not limited to, house arrest.

WHEREFORE, Defendant prays that the Court should hold a

hearing on this motion concurrent with his sentencing hearing set for August 18, 2016 at 1:30 p.m., and then grant him release on such conditions as the Court may deem appropriate in order to permit him to self surrender at the institution to which he is designated.

Respectfully submitted,

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CERTIFICATION

I hereby certify that on August 12, 2016, a copy of the foregoing Motion for Release was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's ECF system.

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